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09/987,491	11/15/2001	J.M. Jack Gin		7224

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EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,491

Applicant(s)

GIN, J.M. JACK

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-21 is/are rejected.
- 7) ☒ Claim(s) 10-11 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

This is a first office action in response to application no. 09/987,491 filed on November 15, 2001 in which claims 1-21 are presented for examination.

Claim Objections

Claim 17 is objected to because it expresses dependency from itself. For examination purposes it is assumed that claim 17 depends from claim 16.

Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: item 73 in figure 4 referenced on page 11 line 11. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the left back surface and right back surface as recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to clearly define what the applicant intends to convey as the meaning of a left back surface and a right back surface as recited in claim 1.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11-12 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitations "the top left and right facets," "the bottom facets," and "the front face" in lines 1, 2, and 3, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the left and right surfaces" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 (e) recites the limitation "the front face" in lines 7 and 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 12-13, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (U.S. Patent No. 4,972,633) in view of Hisatune et al. (U.S. Patent No. Des. 354,973) and further in view of Brasket (U.S. Patent No. 4,862,333).

Regarding claim 1, Wright teaches a corner surveillance unit comprising a housing for flush mounting in an upper corner of a room (col. 2, lines 48-52 and Fig. 1). Wright also teaches a front perimeter portion in the housing joining a top edge on the top surface, a left edge on the left back surface, and a right edge on the right back surface (Fig. 1 and Fig. 3, the perimeter portion of element 20). Furthermore, Wright teaches a front plate (Fig. 1, element 20) within the front perimeter portion, the front plate having at least one surveillance window (Fig. 3, element 10) mounted in the front plate.

Wright does not disclose that the top surface has an angle of slightly greater than 90 degrees with respect to a back edge that is formed by the meeting of the left back surface and the right back surface. Rather, Wright shows the top surface having only a partial extension toward the back side of the housing. However, it is well known in the art to fully enclose the housing used to support a surveillance camera (as taught by Hisatune et al. (Figs. 1-6). Furthermore, it is well known to provide a back portion of a similarly shaped

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housing in such a way as to enable access to the device enclosed therein (as taught by Fig. 3 of Brasket). For instance, see the truncated portion of Brasket shown in Fig. 3 and the central panel 54 shown in Fig. 5.

It is clear that providing in Wright a fully enclosed housing (as taught by Hisatune et al.) would increase the structural strength and stability of the Wright device by providing structural elements fully surrounding the device.

Furthermore, it is clear that access to Wright's camera enclosed therein would be needed in order to make repairs or for installation, wiring, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to enclose Wright's camera in a fully surrounding housing and to configure that housing so as to have a truncated back edge portion in order to provide structural stability for the housing and access to the camera inside. In such a configuration, it is clear from Fig. 3 of Brasket that the top surface would have an angle of slightly greater than 90 degrees with respect to the back edge in the region where the left back surface and the right back surface (element 15 of Brasket) meet (are joined by) the back edge (the truncated portion seen in Fig. 3).

Furthermore, Wright addresses the issue of interior room surfaces that are not mutually orthogonal (col. 4, lines 13-15). Therefore, it is clear that when building a structure designed to be flush mounted into a walled corner, such as with Wright, Hisatune et al., and Brasket, the structure must at times be fabricated so as to account for the fact that the walls are not at 90 degrees with respect to each other. Therefore it would have been obvious to design the

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housing of Wright, Hisatune et al., and Brasket so that the left back surface would have an angle slightly greater than 90 degrees with respect to the right back surface in order to accommodate buildings where the walls meet at an angle greater than 90 degrees.

Regarding claims 2-6, it is well known that it is tried to build walls that are mutually orthogonal. However, Wright teaches that walls are not always mutually orthogonal (col. 4, lines 9-14). Clearly there will be occasions when the walls do not meet at 90 degrees, but at angles that are within a range of 91 degrees to 95 degrees, and on occasion, will be specifically 93 degrees. Therefore, it would have been obvious to configure the housing of Wright, Hisatune et al., and Brasket in such a way as to conform to the recited angles.

Regarding claim 12, Brasket shows a rear facet (Fig. 5, element 54) formed by the truncation of a rear edge that would otherwise be formed by extension of the left and right surfaces of the unit. Furthermore, Brasket teaches that this facet spaces the housing away from the wall corner to allow installation of the housing upon walls in which the corner is appreciably rounded (col. 1, lines 43-49). Brasket further teaches that this facet provides a mounting surface and space behind the facet for routing electrical wiring (col.1, lines 42-48). Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the rear facet of Brasket with Wright and Hisatune et al. in order to provide a housing that is amiable to the routing of power and video cables and for mounting in corners which are rounded rather than perfectly square.

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Regarding claim 13, Wright teaches that a monitoring device, such as a camera, may be mounted within the corner surveillance unit for the purpose of viewing a room (col.3, lines 67-68).

Regarding claims 18-19, Wright shows (Fig. 2) that the front plate is at an angle of substantially 45 degrees with respect to a top surface.

Regarding claim 20, Wright further teaches that the plate may be made of metal (col. 3, lines 27 - 28) and that the windows may be made of a clear polycarbonate that is transparent and impact resistant (col. 3, lines 36-41). Clearly it is desirable to provide a surveillance housing that is strong and resistant to physical blows by persons attempting to disable the enclosed surveillance camera. Consequently, it would have been obvious to one skilled in the art at the time of the invention to construct the entire housing of strong, light metal in order to provide a housing of adequate strength to protect a surveillance camera.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (U.S. Patent No. 4,972,633), Hisatune et al. (U.S. Patent No. Des. 354,973), Brasket (U.S. Patent No. 4,862,333), and further in view of Kloots et al. (U.S. Patent No. 4,616,257).

Regarding claim 7, Wright, Hisatune et al., and Brasket do not disclose an illumination window nor a light tight partition between a camera compartment and an illumination compartment. However, Kloots et al. teaches that a camera can be attached adjacent to an illuminating means (col. 1, lines 27-28). Moreover,

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Kloots et al. shows a housing that comprises a transparent camera window (Fig. 9, element 16) and a transparent illuminator window (Fig. 9, element 15).

Furthermore, Kloots et al. shows a housing wherein the camera compartment is separated from the illuminator compartment by a light-tight partition (Fig. 9). It is clear that providing an illuminator for Wright would increase the quality of images produced by the camera since greater levels of exposure would be provided.

Furthermore, it is clear that providing a separate light-tight compartment for the illuminator would reduce or eliminate any flashback to its camera sensor.

Therefore, it would have been obvious to provide in Wright, Hisatune et al., and Brasket a light-tight illuminator compartment with a window as taught in Kloots et al. in order to provide a surveillance unit that can perform in low-light conditions.

Regarding claim 15, see examiner's comments related to claim 7 and note that Kloots et al. teaches an illuminator (illuminate: to supply or brighten with light) (Fig. 9, mirror and element 15) that is mounted within an illuminator compartment within the housing.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (U.S. Patent No. 4,972,633), Hisatune et al. (U.S. Patent No. Des. 354,973), Brasket (U.S. Patent No. 4,862,333), and further in view of Zoroufy (U.S. Patent No. 6,283,616).

Regarding claim 8, Wright, Hisatune et al., and Brasket do not disclose that the front plate is detachably mounted flush with the front perimeter portion of the housing. However, Zoroufy discloses, in a configuration similar to Wright's,

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flush mounting the front plate with a front perimeter portion in such a way as to make it detachable. Such an arrangement in Wright, Hisatune et al., and Brasket would clearly be beneficial by enabling easier access to the interior of the housing for mounting the camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to detachably mount the front plate of Wright, Hisatune et al., and Brasket flush with the front perimeter portion of the housing in order to facilitate installation of the camera within the housing.

Regarding claim 9, Wright discloses using security screws (col. 4, lines 5-6) to fasten the detachable plate (Fig. 3, element 10). At the time of the invention, it would have been obvious to use similar fasteners to detachably mount the front plate for the same reason clearly present in Wright, namely to provide a surveillance unit immune to disassembly by persons without specialized tools.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (U.S. Patent No. 4,972,633), Hisatune et al. (U.S. Patent No. Des. 354,973), Brasket (U.S. Patent No. 4,862,333), and further in view of Nayar et al. (U.S. Patent No. 6,215,519).

Regarding claim 14, Wright, Hisatune et al., and Brasket do not teach a wide-angle lens. However, Nayar et al. teaches that a fish-eye lens can be used to provide wide-angle viewing (col. 1, lines 56-63) for surveillance and monitoring units (Abstract, lines 1-3). It would have been obvious to one of ordinary skill in

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the art to provide a wide-angle lens with the surveillance camera of Wright (col. 3, lines 67-68) in order to provide a surveillance camera with a large field of view that minimizes blind spots in security coverage.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (U.S. Patent No. 4,972,633), Hisatune et al. (U.S. Patent No. Des. 354,973), Brasket (U.S. Patent No. 4,862,333), Kloots et al. (U.S. Patent No. 4,616,257), and further in view of Schöniger et al. (U.S. Patent No. 5,136,483).

Regarding claim 16, Wright, Hisatune et al., Brasket, and Kloots et al. do not disclose that the illuminator comprises a bank of LEDs. However, Schöniger et al. teaches an illuminator comprised of a bank of light emitting diodes (col. 1, lines 5-9) mounted in a housing (Fig. 1). It is clear that using a bank of LEDs, as taught in Schöniger et al. would reduce the size and complexity of the illuminator used in Kloots et al. since the fiber-optic cable would not be needed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide LEDs as the light source in Wright, Hisatune et al., Brasket, and Kloots et al. in order to replace the cable of Kloots et al. (Fig. 1, element 19) with a more compact light source.

Regarding claim 17, Brasket provides an aperture through the rear of the unit in order to provide an access point for electrical wiring for devices inside of the housing (Fig. 4, element 70). Furthermore, it is patently obvious and in accordance with common sense that some means must be provided to exit the

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video and power wiring from inside of the housing. Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate an aperture into the rear portion of the housing of Wright, Hisatune et al., and Brasket in order to run electrical wiring to a surveillance camera inside of the housing.

Allowable Subject Matter

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 10, the reason for allowance is as follows: the prior art does not disclose or fairly suggest a securable corner surveillance unit comprising the recited features of claim 1 and claim 10, specifically the device having a bottom facet and left and right top side facets.

Claims 11 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claims 11 and 21, for reasons for allowance see the reasons for allowance for claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
3/31/2004



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